

GREAT AND LITTLE OSAGE INDIANS.

FEBRUARY 10, 1879.—Recommitted to the Committee on Indian Affairs and ordered to be printed.

Mr. THROCKMORTON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 5320.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5320) to carry into effect the second and sixteenth articles of the treaty between the United States and the Great and Little Osage Indians, proclaimed January 21, 1867, report:

That they have had the same under consideration, and recommend the passage of the same with the amendments reported. The reasons upon which they base their recommendations are as follows:

The State of Kansas was admitted into the Union by an act of Congress, approved January 29, 1861.

In 1867, January 21, a treaty, before that time negotiated between the United States and the Great and Little Osage Indians, was duly proclaimed by the President of the United States. By the second article of said treaty the said Osage Indians ceded to the United States "a tract of land twenty miles in width from north to south off the north side of the remainder of their" [then] "present reservation," to be held in trust for said Indians, and to be surveyed and sold for their benefit "under the direction of the Commissioner of the Land Office, at a price not less than one dollar and twenty-five cents per acre." The proceeds of such sales were, after deducting the expenses in surveying and selling, to be "placed in the Treasury of the United States to the credit of said tribe of Indians."

But Congress, disregarding the provisions of this treaty, by a joint resolution, approved April 10, 1869 (Session Laws, vol. 16, page 1869), provided "that the sixteenth and thirty-sixth sections in each township of such lands shall be reserved for school purposes, in accordance with the act of admission of said State of Kansas."

Thus the Congress of the United States has withdrawn from sale to purchasers and donated to the State of Kansas two sections, *i. e.*, 1,280 acres of these lands, in every township, in direct violation of the treaty. This is without a shadow of justification, and the Indians are entitled to be credited for the lands so given to the State of Kansas at such price as was realized for the lands adjacent to the sections so reserved, or at least to the minimum price of \$1.25 per acre, mentioned in the treaty, less the expense of surveying and selling.

The committee believe that this bill, as proposed to be amended by them, will carry out the provisions of said treaty and preserve our faith plighted to the Indians.